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Attorneys for Plaintiff  
*Elizabeth Sweeney*, as surviving spouse of  
*Michael Christopher Sweeney*

**UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

ELIZABETH SWEENEY, as surviving  
spouse, actual owner of the claims set forth  
herein, and/or as authorized personal  
representative of the estate of MICHAEL  
CHRISTOPHER SWEENEY, deceased,

Plaintiff,

vs.

BARRICK GOLDSTRIKE MINES INC., a  
Foreign Corporation,

Defendant.

Case No.: 3:20-cv-00644-MMD-WGC

**STIPULATION AND ORDER  
TO EXTEND DISCOVERY  
DEADLINES****(SECOND REQUEST)**

Plaintiff ELIZABETH SWEENEY, as surviving spouse of Michael Christopher Sweeney, and  
Defendant BARRICK GOLDSTRIKE MINES INC., by and through their undersigned counsel,  
hereby stipulate and request that all deadlines set forth in the Joint Stipulation and Order to Amend  
the Scheduling Order (ECF No. 16), pursuant to FRCP 26(f)(3) and LR 26-3, be extended by thirty  
(30) days to Wednesday, March 2, 2022 (the ninetieth day falls on Sunday, January 30, 2022). The  
current discovery cut-off date is January 31, 2022, depositions and other related discovery still need

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to be completed. This request is made in good faith, is timely, is not made to cause delay, is submitted pursuant to LR IA 6-1, LR IA 6-2, LR 7-1 and LR 26-4, and is the parties' second request.

### **I. DISCOVERY COMPLETED TO DATE**

Plaintiff served Initial Disclosures on **April 22, 2021**; and two Supplemental Disclosures on **July 29, 2021**, and **August 25, 2021**.

Defendant served Initial Disclosures on **April 19, 2021**.

Plaintiff served a First Set of Interrogatories and First Set of Requests for Production of Documents on Defendants on **August 31, 2021**. Defendant requested an extension to complete its responses and served those responses on Plaintiff on **October 21, 2021**.

Defendant served a First Set of Interrogatories and First Set of Requests for Production of Documents on Defendants on **June 10, 2021**. Plaintiff requested an extension to complete her responses and served those responses on Defendant on **July 29, 2021**. Defendant served a Second Set of Requests for Production of Documents on **September 30, 2021**. Plaintiff served her responses on Defendant on **November 1, 2021** (October 30, 2021, is a Saturday).

The parties held a meet and confer conference on **October 26, 2021** regarding discovery issues and were able to resolve those amicably and without the Court's intervention through amendments to responses and the production of further documents

Plaintiff served a subpoena on Zurich North America on **November 19, 2021**. Zurich North America's Full compliance is still pending.

### **II. REMAINING DISCOVERY TO BE COMPLETED**

The parties will complete discovery consistent with the Federal Rules of Civil Procedure, including by Rule 26(b), Rule 30, Rule 33, Rule 34, Rule 35, and Rule 36, such that the parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, subject to the limitations imposed by Rule 26(b)(2)(C).

The parties will supplement and/or amend written discovery; conduct any witness or person-most-knowledgeable depositions; issue any third-party subpoenas; and all parties will supplement any disclosures as necessary.

### III. REASONS DISCOVERY CANNOT BE COMPLETED WITHIN THE DEADLINE

The parties have worked diligently and amicably addressing discovery issues including among others setting initial deposition dates for the week of November 29, 2021, in Elko, NV. Depositions in Elko require both Counsel to travel and the additional consideration of securing a court reporter to travel from Salt Lake City to Elko. Plaintiff's Counsel were unable to move forward for a variety of reasons including holidays and the hospitalizations of Plaintiff's counsels' 89-year-old mother and subsequent diagnosis of a rapidly progressing terminal illness.

The Deposition of Plaintiff Elizabeth Sweeney in this matter has been set for February 15, 2022, the first mutual availability of counsel for both parties. It is believed that all depositions can be completed within the requested thirty (30) day extension.

### IV. REVISED PROPOSED DISCOVERY PLAN

#### The parties propose to the Court the following cut-off dates:

A. **Discovery Cut-off Date:** The discovery cut-off deadline shall be **Wednesday, March 2, 2022.**

B. **Dispositive Motions:** Dispositive motions shall be filed by **Friday, April 1, 2022**, thirty (30) days after the discovery cut-off date of March 2, 2022, in accordance with LR 26-3.

C. **Pretrial Order:** The Pretrial Order shall be filed not later than **Monday, May 2, 2022** (May 1, 2022 is a Sunday) which is thirty (30) days after the deadline for filing dispositive motions on April 1, 2022, in accordance with LR 26-1(b)(5). In the event dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive motions or further order of the Court.

D. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the final pretrial order.

E. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In accordance with LR 26-4, any motion or stipulation to extend a deadline set forth in this discovery

1 plan and scheduling order shall be received by the Court no later than twenty-one (21) days before  
 2 the expiration of the subject deadline. A request made within twenty-one (21) days of the subject  
 3 deadline will be supported by a showing of good cause. Any stipulation or motion will comply fully  
 4 with LR 26-4.

5 For all the reasons stated above, good cause exists to extend the discovery cut-off deadline in  
 6 this matter.

7  
 8 Dated: January 7, 2022

Dated: January 7, 2022

9  
 10 /s/ Victoria L. Neal

/s/ David C. Castleberry

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Attorneys for Defendant  
*Barrick Goldstrike Mines, Inc.*

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 17 **IT IS SO ORDERED.**

18  
 19 Dated: January 10, 2022.

20 *William G. Cobb*

21 UNITED STATES MAGISTRATE JUDGE  
 22 HONORABLE WILLIAM G. COBB  
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